

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EDDIE L. WILLIAMS,

Plaintiff,

v.

R. GAINES, et al.,

Defendants.

Case No.: 2:19-cv-01715-AMM-HNJ

ORDER


The magistrate judge entered a report on March 19, 2020, recommending the defendants' motion for summary judgment (doc. 12) be granted as to defendant Glen Teague and denied as to the plaintiff's claims for excessive force against defendants Raymond Gaines and Warren Cook. (Doc. 14). The magistrate judge further recommended that the plaintiff's claims against defendant R. Brown be dismissed without prejudice. (Doc. 14). Finally, the magistrate judge recommended that the plaintiff's claims for denial of medical care be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failing to state a claim upon which relief may be granted. (Doc. 14). Although the report and recommendation advised the parties of their right to file objections within fourteen (14) days, no objections to the report and recommendation have been filed with the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** his recommendation.

The court **ORDERS** that the plaintiff's claims for deliberate indifference to his medical needs are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and that the plaintiff's claims against defendant R. Brown are **DISMISSED WITHOUT PREJUDICE** based on the plaintiff's failure to prosecute.

The court further **ORDERS** that the defendants' motion for summary judgment (doc. 12) is **GRANTED** as to the plaintiff's claims against defendant Glen Teague and those claims are **DISMISSED WITH PREJUDICE**. The motion for summary judgment (doc. 12) is **DENIED** as to the plaintiff's claims for excessive force against defendants Raymond Gaines and Warren Cook. The court **ORDERS** that the plaintiff's claims for excessive force against defendants Raymond Gaines and Warren Cook are **REFERRED** to the magistrate judge for further proceedings.

DONE and **ORDERED** this 30th day of June, 2020.



ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE